

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MELISSA BARGE,

Plaintiff,

v.

MARC HORWITZ, et al.,

Defendants.

Case No. [21-cv-02558-HSG](#)

ORDER TO SHOW CAUSE

Because Plaintiff has been authorized to proceed in forma pauperis, service of the First Amended Complaint will be made by the United States Marshals. *See* Dkt. No. 8 at 1; Fed. R. Civ. P. 8(c)(3). However, in order for service to be attempted, the U.S. Marshals need Defendants' addresses. On March 10, 2022, the Court ordered Plaintiff to provide the Court addresses at which each of the Defendants can be served. Dkt. No. 17. Plaintiff had until March 23, 2022 to respond to the Court's order, *id.*, but has failed to provide any response to date.

Federal Rule of Civil Procedure 41(b) provides that where a "plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." A defendant need not file a motion in order for a district court to dismiss a case under Rule 41(b), given the Supreme Court's statement that "[t]he authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs[.]" *See Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962).

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Plaintiff is **ORDERED TO SHOW CAUSE** why this case should not be dismissed without prejudice for a failure to prosecute. Plaintiff shall file a statement of no more than two pages by April 25, 2022. Plaintiff must also provide by that same date addresses at which each of the Defendants can be served.

IT IS SO ORDERED.

Dated: 4/11/2022


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California